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MARIO LAVANDEIRA dba Perez Hilton

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

X17, INC., a California corporation,
Plaintiff,

vs.

MARIO LAVANDEIRA, dba Perez
Hilton, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO. CV 06-07608 **VBF** (JCx)

**DECLARATION OF MARIO
LAVANDEIRA FILED IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Date: January 21, 2008

Time: 1:30 p.m.

Room: 9

ORIGINAL

2007 DEC 17 PM 5:21
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

FILED

DECLARATION OF MARIO LAVANDEIRA

I, Mario Lavandeira, declare as follows:

1. I have personal knowledge of the facts set forth herein, and, if called as a witness to do so, could and would testify competently thereto.

2. Plaintiff X17, Inc. ("X17") has filed the current lawsuit against me individually and doing business as "Perez Hilton."

("Perezhilton.com" is a news-reporting website)

3. At all times relevant to this declaration, I have operated the website <http://www.perezhiltoncom> (the "Website").

4. On the Website, I report news regarding current celebrity actions and events. As part of my reporting, I post photographs that depict particular newsworthy events.

(The photographs on the website are obtained from public sources and have all been previously published)

5. I obtain the photographs that I use on the Website from various other websites that are publicly accessible. In all instances, the photographs have been previously published.

(The transformative nature of the photographs)


6. The photographs that I post on the Website are qualitatively different from the copies that I originally obtain from public sources. For instance, the photographs on the Website are always accompanied by text that reports on the events. Indeed, as part of my reporting, I often draw and place commentary directly on the photographs. In addition, I do not generally use the entire photograph; rather, I select certain portions that I believe are newsworthy. Many times, I flip the photograph. The quality (*e.g.*, the resolution) of the photographs on the Website also is not high and, accordingly, the photographs are not well suited for copying by others.

1 ***(I Am Not In The Business Of Licensing Photographs To Media Companies)***

2 7. I do not (either individually or doing business as Perez Hilton)
3 license or sell photographs to media companies, such as magazines, newspapers, and
4 television stations, nor have I done so at any time.

5 Executed this 17th day of December, 2007, at Los Angeles, California.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct.

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9 Mario Lavandeira
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